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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,122	10/05/1999	ALBERTO GUTIERREZ, JR.	RR2619	9247

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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 01/16/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,122

Applicant(s)

GUTIERREZ, JR. ET AL.

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-11, 15-25, 30-38 and 43-60 is/are rejected.
- 7) ☐ Claim(s) 12-14, 26-29 and 39-42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-11, 15-25, 30-38, and 43-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al (U.S. Patent Number 6,208,873) and well known prior art.

Regarding claims 1-5, 46-52, Black et al. discloses essentially all the claimed invention as set forth in the instant application, further Black et al. discloses a method and apparatus for transmitting reverse link power control signals based on the probability that the power control command is in error, in addition Black et al. discloses a common power control signal on a carrier wave and transmitted from a base station to a plurality of subscriber units, Black et al. discloses in column 3 lines 36-67 and column 4 lines 1-12 (which reads on a plurality of inhibit bits corresponding to a reverse link and indicating whether a dedicated burst mode has been scheduled for the reverse link common channel) in a code division multiple access wireless communication system (discloses in column 1 lines 10-11), the common power control signal causing the subscriber units to manage their reverse link transmissions on a plurality of reverse link common channels (discloses in column 1 lines 9-20), the power control signal comprising: a plurality of power control bits, each power control bit corresponding to a reverse link common channel of the plurality of reverse link common channels and directing a respective subscriber

Art Unit: 2681

unit to adjust its reverse link transmission power (discloses in column 3 lines 15-25); and a plurality of inhibit bits (which reads on Blacks “a power control bit having a second value” discloses in column 3 lines 50-66), each of the plurality of inhibit bits corresponding to a reverse link common channel of the plurality of reverse link common channels and indicating whether a dedicated burst mode has been scheduled for the reverse link common channel (which reads on “power control bit having a second value is assigned to the mobile unit. In this embodiment, a power control bit having the second value corresponds to a command to a mobile unit (down or reverse link) that the mobile unit should increase its output transmit power by a predetermined amount such as 1 db during the next transmit interval”. However, Black et al. fails to specifically disclose an inhibit bit corresponds to the reverse link common channel.

The examiner contends that the use of inhibited bits is well know in the art and at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Black et al. with the teachings of well known prior art since such a power control bit is known to be widely used in the industry.

Regarding claims 6-11, 15-17, Black et al. discloses essentially all the claimed invention as set fourth in the instant application, further Black et al. discloses a method and apparatus for transmitting reverse link power control signals based on the probability that the power control command is in error, in addition Black et al. discloses a common power control signal on a carrier wave and transmitted from a base station to a plurality of subscriber units, Black et al. discloses in column 3 lines 36-67 and column 4 lines 1-12 (which reads on a plurality of inhibit bits corresponding to a reverse link and indicating whether a dedicated burst mode has been scheduled for the reverse link common channel) in a code division multiple access wireless

Art Unit: 2681

communication system (discloses in column 1 lines 10-11), the common power control signal causing the subscriber units to manage their reverse link transmissions on a plurality of reverse link common channels (discloses in column 1 lines 9-20), the power control signal comprising: a plurality of power control bits, each power control bit corresponding to a reverse link common channel of the plurality of reverse link common channels and directing a respective subscriber unit to adjust its reverse link transmission power (discloses in column 3 lines 15-25); and a plurality of inhibit bits (which reads on Blacks “a power control bit having a second value” discloses in column 3 lines 50-66), each of the plurality of inhibit bits corresponding to a reverse link common channel of the plurality of reverse link common channels and indicating whether a dedicated burst mode has been scheduled for the reverse link common channel (which reads on “power control bit having a second value is assigned to the mobile unit. In this embodiment, a power control bit having the second value corresponds to a command to a mobile unit (down or reverse link) that the mobile unit should increase its output transmit power by a predetermined amount such as 1 db during the next transmit interval”. However, Black et al. fails to specifically disclose an inhibit bit corresponds to the reverse link common channel.

The examiner contends that the use of inhibited bits is well known in the art and at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Black et al. with the teachings of well known prior art since such a power control bit is known to be widely used in the industry.

Regarding claims 18-25,30-37,43-45,58-60, Black et al. discloses everything claimed, as applied above (see claim 1) additionally, Black et al. discloses a base station supports

Art Unit: 2681

communications with a CDMA system comprising, an antenna (830), a interface, a spreader/despreader (832), a coder/decoder (848), processing circuitry (846), memory (94), a base station controller as exhibited in figure 8, Black et al. discloses a common power control signal on a carrier wave and transmitted from a base station to a plurality of subscriber units, Black et al. discloses in column 3 lines 36-67 and column 4 lines 1-12 (which reads on a plurality of inhibit bits corresponding to a reverse link and indicating whether a dedicated burst mode has been scheduled for the reverse link common channel) in a code division multiple access wireless communication system (discloses in column 1 lines 10-11), the common power control signal causing the subscriber units to manage their reverse link transmissions on a plurality of reverse link common channels (discloses in column 1 lines 9-20), the power control signal comprising: a plurality of power control bits, each power control bit corresponding to a reverse link common channel of the plurality of reverse link common channels and directing a respective subscriber unit to adjust its reverse link transmission power (discloses in column 3 lines 15-25); and a plurality of inhibit bits (which reads on Blacks "a power control bit having a second value" discloses in column 3 lines 50-66), each of the plurality of inhibit bits corresponding to a reverse link common channel of the plurality of reverse link common channels and indicating whether a dedicated burst mode has been scheduled for the reverse link common channel (which reads on "power control bit having a second value is assigned to the mobile unit. In this embodiment, a power control bit having the second value corresponds to a command to a mobile unit (down or reverse link) that the mobile unit should increase its output transmit power by a predetermined amount such as 1 db during the next transmit interval").

Regarding claims 38,53-57, Black et al. discloses everything claimed, as applied above (see claim 1) however, Black et al. fails to disclose a third and fourth power control/inhibit bit stream that corresponds to the third and fourth reverse link common channel.

The examiner contends that the use of inhibited bits is well know in the art and at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Black et al. with the teachings of well known prior art since such a power control bit is known to be widely used in the industry.

Allowable Subject Matter

2. Claims 12-14,26-29,39-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2681

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith
December 29, 2003

JEAN GELIN
PATENT EXAMINER

Jean Almond Gelin